

RECEIVED

Agenda Item: ID#17-417 (1-M)

Date: 3/23/17

2017 MAR 22 PM 2 17

CITY CLERK, FRESNO CA

FRESNO CITY COUNCIL



Supplemental Information Packet

Agenda Related Item(s) – ID#17-417 (1-M)

Contents of Supplement: Letter of Opposition Item(s)

Approve Amendment to Transformative Climate Communities Project Labor Agreement

Supplemental Information:

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

Americans with Disabilities Act (ADA):

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.



RECEIVED

2017 MAR 22 PM 2 17

CITY CLERK, FRESNO CA

March 20, 2017

Fresno City Council
Fresno City Hall
Fresno St 2600
Fresno, CA 93721

Re: OPPOSE Item I-M - Approve Amendment to Transformative Climate Communities Project Labor Agreement

Dear Fresno City Councilmembers:

Three months after the city council voted on December 15, 2016 for the Transformative Climate Communities Project Labor Agreement, unions are back with new supplemental demands on contractors for city projects funded through the Transformative Climate Communities program.

Agenda Item I-M is inexplicably placed on the Consent Calendar for the March 23, 2017 Fresno City Council meeting. Staff did not provide any background information explaining the amendments, examining the legal ramifications, or considering the additional costs.

The City of Fresno is failing to be open and transparent in serving the People of Fresno! Without proper analysis of these new proposed amendments to the Transformative Climate Communities Project Labor Agreement, you should vote NO on Item I-M.

Are you truly interested in gleaning the meaning of this Project Labor Agreement amendment? If so, the Coalition for Fair Employment encourages you to ask the following questions:

1. The "First Amendment to the Agreement" introduces a new party - "Lyft, a Delaware Corporation" - into the Project Labor Agreement. Lyft is NOT mentioned in the text of the "First Amendment to the Agreement," or in Attachment D, or in the Side Letter to Attachment G, or the Project Labor Agreement itself.

Under what authority does Lyft get to be a signatory to the First Amendment to the Project Labor Agreement?

2. Attachment D introduces a new party - the "Sheet Metal and Air Conditioning Contractors National Association's Sacramento Valley Chapter, Northern San Joaquin Chapter" - into the Project Labor Agreement.

Under what authority does the City of Fresno and unions get to incorporate into its Project Labor Agreement a separate agreement between a chapter of a national construction trade association and a union? Why isn't that specific association also signatory to Attachment D?

3. The Side Letter to Attachment G assigns certain workers to a different drug testing program called IMPACT.

What is this IMPACT program that now supersedes drug testing provisions for certain trade workers?

Why hasn't information about that program been provided to the city council for evaluation?

Coalition for Fair Employment in Construction – P.O. Box 1627 – Poway, California 92074
Tel: (858) 633-6523 – Fax: (760) 690-4471 – www.opencompca.com

4. The Side Letter to Attachment G claims it will be “saving cost for the project.”

If the IMPACT program is funded through employer payments that are incorporated in California prevailing wage rates mandated on Transformative Climate Communities projects, the public funding for drug testing will simply come from another mechanism. So isn't it false for the Side Letter to Attachment G to claim that the program will save money on the project?

Does this unnecessary endorsement of cost savings need to be stricken from the Side Letter to Attachment G?

5. The “First Amendment to the Agreement” is not signed by key parties to the Project Labor Agreement: “the Fresno, Madera, Tulare, Kings Building and Construction Trades Council (Council) and all of its affiliate signatory craft councils and unions (collectively, Union or Unions)?” As indicated above, the amendment binds NEW parties instead.

Why would an amendment to the Project Labor Agreement not bind or require signatures from all the parties that signed the original Project Labor Agreement?

6. Attachment D binds the City of Fresno to “provisions relating to off-site fabrication as provided in the labor agreement between Sheet Metal Workers' International Association, Local Union No. 104 and Sheet Metal And Air Conditioning Contractors National Association's Sacramento Valley Chapter, Northern San Joaquin Chapter And Central Valley Chapter.”

Why haven't these specific provisions about off-site fabrication been provided to the city council for evaluation?

Does Attachment D impose costs and requirements on outside contractors or manufacturers that otherwise would not be mandated in federal, state, or city laws?

Would such provisions relate to off-site fabrication in other states or other countries?

Would the City of Fresno be contractually required to enforce the conditions of the Project Labor Agreement on contractors and manufacturers in other states and other countries?

What would be the cost for the City of Fresno to monitor and enforce the conditions of the Project Labor Agreement on contractors and manufacturers off of the job site, particularly if the work is located in other states and other countries?

These are questions that need to be answered for the benefit of the city council and the public it serves. If these questions aren't answered, than you should vote NO on Item I-M

Sincerely,



Eric Christen, Executive Director
ericdchristen@gmail.com
858-431-6337